

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

HELENE CHUNG,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. H-11-4079
	§	
LADYBUG SKINCARE SALON OF	§	
HOUSTON, TEXAS, VIVIAN PAI, and	§	
RADIANCY, INC.,	§	
	§	
Defendants.	§	

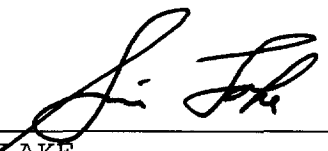
**ORDER ADOPTING RECOMMENDATION**  
**OF THE MAGISTRATE JUDGE**

Pending is Defendants Ladybug Skincare Salon of Houston, Texas' and Vivian Pai's Motion to Dismiss (Document No. 54) and Defendant Radiancy, Inc.'s Motion to Dismiss (Document No. 55). The Court has received from the Magistrate Judge a Memorandum and Recommendation recommending that Defendant Radiancy, Inc.'s Motion to Dismiss (Document No. 55) be GRANTED and that Defendants Ladybug Skincare Salon of Houston, Texas' and Vivian Pai's Motion to Dismiss (Document No. 54) be GRANTED IN PART and DENIED IN PART. Defendants Ladybug Skincare Salon of Houston, Texas and Vivian Pai have filed Objections (Document No. 71) to the Memorandum and Recommendation. The Court, after having made a *de novo* review of the motions to dismiss, the Memorandum and Recommendation, and the objections, is of the opinion that the findings and recommendations of the Magistrate Judge are correct and should be and hereby are accepted by the Court in their entirety. Accordingly,

It is ORDERED and ADJUDGED for the reasons set forth in the Memorandum and Recommendation of the United States Magistrate Judge filed on September 13, 2012, which is adopted in its entirety as the opinion of this Court, that Defendant Radiancy, Inc.'s Motion to Dismiss (Document No. 55) is GRANTED, and Plaintiff's claims of negligence, violations of the Texas Deceptive Trade Practices Act, fraud, and strict/products liability against Defendant Radiancy, Inc. are DISMISSED pursuant to Rule 12(b)(6) for failure to state a claim; Defendants' Ladybug Skincare Salon of Houston, Texas' and Vivian Pai's Motion to Dismiss (Document No. 54) is GRANTED in PART and DENIED in PART, and Plaintiff's claims of fraud, violations of the Texas Deceptive Trade Practices Act and strict/products liability against Defendants Ladybug Skincare Salon of Houston, Texas, and Vivian Pai are DISMISSED pursuant to Rule 12(b)(6) for failure to state a claim.

The Clerk will enter this Order and send copies to all parties of record.

Signed at Houston, Texas this 2nd day of October, 2012.

  
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SIM LAKE  
UNITED STATES DISTRICT JUDGE